

### REMARKS

Reconsideration and allowance for the above-identified application are respectfully requested in light of the above amendments and these remarks. Claims 1-22 were pending at the time of the last examination. Claims 1, 2, 5-7, 9-13, 16-18, and 20-22 are amended herein. Accordingly, Claims 1-22, as amended, are pending for further consideration.

Section 1 of the Office Action objected to the disclosure due to an informality. This informality is corrected herein by amendment to the specification. Additional amendments to the specification are also made herein for clarity.

Section 2 of the Office Action reminded the applicants of the proper language and format of the abstract. Accordingly, the amendments to the specification include an amendment to the paragraph in the abstract to remove legal phraseology such as "means" as well as to reduce the size of the abstract so that it no longer exceeds 150 words.

Section 3 of the Office Action rejected Claims 1-4, 6, 7, 9-15, 17, 18, 20 and 21 under 35 U.S.C. 112, second paragraph, as being indefinite.

With respect to Claims 1-4 and 12-15, the Office Action states that the specification or the drawing fails to discuss or show the use of vector or amplitude with regards to the invention. The Office Action further states that it is unclear how to determine power with regards to vector or amplitude. As is well-known in conventional art, when converting from vector or amplitude to power, the square of the vector length or amplitude is calculated. These concepts are well-known in the art. For example, this is discussed in the first and second paragraphs of United States patent number 6,438,362. As the concepts of vector, amplitude, and their interrelation with power are well-known to those of ordinary skill in the art, it is not necessary that an enabling disclosure describe these well-known concepts in the specification.

The Office Action further stated that Claims 6, 10, 17 and 21 are unclear because of expressions "using a channel not performing transmit power control", "not a channel other than channel", and "or even when transmitting but not performing. . .". In the amended claims presented herein, the phrase "using a channel not performing transmit power control" has been changed to --using a channel whose power is not controlled--; the phrase "when a partner transmit station performs transmit power control, there is not a channel other than channel transmitting to said reception station; and transmitting a channel not performing transmit power

control" has been changed to --when a partner transmit station does not transmit said channel whose power is controlled and another channel whose power is not controlled-- and the phrase "or even when transmitting but not performing..." is deleted to clarify these expressions.

The Office Action further states that Claims 7 and 18 are unclear because of the expression "from own station". The expression "from own station" has been changed to "from said CDMA reception apparatus".

The Office Action further states that the limitations "small", "high", "large", "possible" and "impossible" are ambiguous. As shown in Figure 8, step S802 branches off according to power. From this divergence in the figure, it is apparent that the process branches off based on the comparison between the power and a predetermined value. Similarly, steps S902 and S914 of Figure 9 also means comparison using predetermined values. Therefore, in the amended claims, the phrase "setting said averaging section to a small section" has been changed to --setting said averaging section smaller than the present averaging section--, and so on. Also, it is apparent that the process shown in Figure 8 is performed to change the size of the present averaging section. Therefore, in our proposed claim amendment, the phrase "setting said averaging section to a small section" has been changed to --setting said averaging section smaller than the present averaging section--; and the phrase "setting said averaging section to a larger section" has been changed to --setting said averaging section larger than the present averaging section--. Claims 9 and 20 to clarify the phrases after "when".

"Possible" means a case in which there is a common channel whose transmit power is not controlled and the common channel is transmitted with the same antenna and directivity. In other words, it is "possible to estimate a propagation path" when the known fixed pattern is transmitted repeatedly with fixed power such as so called a common pilot channel. On the other hand, "impossible" means the remaining cases. This is described in the present application, for example, from line 24 of page 3 to line 3 of page 4. Accordingly, the expression "propagation path variation estimation using said channel not performing transmit power control is possible" of Claim 10 has been changed to --said channel whose transmit power is not controlled transmits a pilot signal--. Also, the phrase "propagation path variation estimation using said channel not performing transmit power control is not possible" of Claim 10 has been changed to --said channel whose transmit power is not controlled does not transmit the pilot signal--. Claim 21 has also been similarly amended.

We note that Claims 10 and 21 were only rejected under 35 U.S.C. 112, second paragraph. Accordingly, with the indefiniteness corrections made herein, allowance of Claims 10 and 21 are respectfully requested.

Section 4 of the Office Action rejected Claim 1 under 35 U.S.C. 102(e) as being anticipated by United States patent number 6,438,362 issued to Amezawa (hereinafter referred to simply as "Ameszawa". Furthermore, Section 5 of the Office Action rejected Claim 12 under 35 U.S.C. 102(e) as being anticipated by Amezawa. Amezawa teaches that interference power is obtained by calculating a root mean square of the difference among propagation estimation values obtained by averaging. The propagation estimation value of the present invention refers to a longer time period than that of Amezawa. The present invention calculates propagation estimation value by an averaging process at a certain time as in Amezawa. However, Amezawa does not disclose a feature of the present invention, that is, calculating differences of propagation estimation values between respective times in the past and the certain time (i.e. changing amounts during the time periods) and multiplying these changing amounts.

Based on the above argument, propagation path variation estimation means of claim 1 has been changed to --propagation path variation estimation means for estimating propagation path variations from respective transmit power control sections in the past to the present transmit power control section to obtain propagation path variation estimation values. Claim 12 has been amended in a similar manner. Accordingly, withdrawal of the 35 U.S.C. 102(e) rejections of Claim 1 and Claim 12 is respectfully requested.

Sections 6-19 of the Office Action rejected Claims 2-5, 7-9, 11, 13-16, 18-20 and 22 under a variety of 35 U.S.C. 103(a) rejections as being unpatentable over either Amezawa in view of one or more other references (i.e., Sawahashi, Ling, Kitade, Kubo and alleged well known arts inherency) or over Vasic in view of one or more other references (i.e., Sawahashi and Dohi).

As discussed above with respect to the 35 U.S.C. 102(e) rejections, Amezawa does not disclose the calculation of differences of propagation estimation values between respective times in the past and the certain time. (i.e. changing amounts during the time periods) and multiplying these changing amounts. Similarly, none of the Sawahashi, Ling, Kitade, Kubo and the alleged well known arts inherency disclose this feature. Accordingly, those claims that depend from

Claims 1 and 12 are not rendered unpatentable over Amezawa in view of any of the other cited art.

Vasic basically teaches that received signals are corrected using propagation estimation values at a certain time and combines these corrected signals as shown in Fig. 2. Therefore, Vasic also does not disclose the feature of the present invention, that is, the use of differences of transmit power between respective times in the past and the certain time (i.e. changing amounts). Likewise, the secondary references Sawahashi and Dohi do not disclose this feature. Accordingly, the claims are patentable over Vasic even if combined with one or more of these secondary references.

For at least these reasons, favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 23<sup>rd</sup> day of December, 2003.

Respectfully submitted,



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